IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16946 of 2004

Between:

Smt.Thohida Sultana, W/o.Abdul Saleem,
R/o.D.No.44-1-25/4, Near Ramgopal Theatre,
Gunadala, Vijayawada.

..... PETITIONER

AND

1 The Income Tax officer, Ward-2(1), Vijayawada.
2 The Additional Commissioenr of Income Tax, Range-2, Vijayawada.
3 The Tax Recovery officer-2, Vijayawada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in nature of writ of mandamus declaring that the order of the first respondent in proceedings F.No.45R-2/2004-05 dated 25-06-2004 and the consequential orders of attachment of immovable property vide from ITCP.16 in R.C.No.106/TRO-2/VJA/ 2004-05 dated 7-9-2004 as illegal, arbitrary, without jurisdiction and is in violation of principles of natural justice and to set-aside the same and pass.

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondents: MR.J.V.PRASAD , SC for Income Tax

The Court at the admission stage made the following :

HON'BLE MR. JUSTICE BILAL NAZKI

AND

HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P.NO. 16946 OF 2004

ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

Heard learned counsel for the parties and with their consent the writ petition is disposed of at this stage.

Pending appeal no order was passed for staying of the recovery of the disputed amounts, therefore the petitioner filed a writ petition. During the pendency of the writ petition, the respondents passed an order on 16.12.2003 granting stay till further orders. Thereafter the petitioner withdrew the writ petition filed in this court, but surprisingly on 25.6.2004 the respondents passed the impugned order. No reasons have been given in the order vacating the stay.

In these circumstances, the impugned order cannot sustain and is quashed and the writ petition is allowed.

Since the appeal is pending, the respondents are directed to dispose of the appeal within a period of two months from the date of

receipt of a copy of this order. Till the disposal of the appeal there shall be stay of recovery of the disputed amounts. No costs.

_____

BN J.

_____

SAR J.

Dt. 4.10.2004

KR

Sd/-

ASST. REGISTRAR

//**True Copy**//

Section Officer

To

1 The Income Tax officer, Ward-2(1), Vijayawada.
2 The Additional Commissioenr of Income Tax, Range-2, Vijayawada.
3 The Tax Recovery officer-2, Vijayawada

4. 2CCs to Mr. J.V. Prasad, Standing Counsel for Income Tax, High Court Buildings, Hyd. (out)

5. 2 CD copies